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Paper No. 9

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In re Application of
Hubbard, et al.
Application No. 09/520,686
Filed: March 7, 2000
Attorney Docket No. VLSI-3234
For: WAFER TARGET DESIGN AND
METHOD FOR DETERMINING
CENTROID OF WAFER TARGET

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: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)
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OFFICE OF PETITIONS

This is in response to the renewed petition under 37 CFR 1.47(b), filed January 22, 2002. This is also a decision on the request for withdrawal as attorney under 37 CFR 10.40(c), filed February 12, 2002, and the revocation of power of attorney and appointment of new attorney, filed March 21, 2002.

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

The above-identified application was filed March 7, 2000 without an executed oath or declaration and naming Bryan Hubbard and Pierre Leroux as joint inventors. Accordingly, on May 9, 2000, a Notice to File Missing Parts of Nonprovisional Application ("Notice") was mailed, requiring an executed oath or declaration, a surcharge for its late filing, and the statutory basic filing fee. A petition under 37 CFR 1.47(a) was filed July 18, 2000 and dismissed November 26, 2001.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 USC §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition lacks item (2) set forth above. In response to the dismissal of petition under 37 CFR 1.47(a) mailed November 26, 2001, petitioner has submitted an executed declaration by the non-signing inventor. The declaration is deemed unacceptable as it fails to comply with the provisions of 37 CFR 1.63 and 37 CFR 1.64. The declaration fails to identify and provide the requisite information for each inventor named in the application.

Accordingly, the petition is hereby **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

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Any renewed petition must be accompanied by an oath or declaration in compliance with 37 CFR 1.63 and 37 CFR 1.64.

DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 CFR 1.136(a). The effective date of withdrawal being the date of decision and not the date of request. See, MPEP 402.06. The provisions of 37 CFR 1.36 further require that applicant or patent owner be notified of the withdrawal of the attorney or agent.

Power of Attorney to petitioner has been revoked by the assignee. Accordingly, the request for withdrawal is **DISMISSED AS MOOT.**

A courtesy copy of this decision is being mailed to petitioner at the address on the petition, however, all future communications from the Office will be directed to the below-listed correspondence address unless the Office receives proper notification otherwise.

**NOTICE OF REVOCATION OF POWER OF ATTORNEY
AND APPOINTMENT OF NEW ATTORNEY**

The revocation of power of attorney submitted by assignee on March 21, 2002 has been entered, in part, into the record. P. Zawilski and H. Tsiang have appointed to represent applicant. G. Le Pennec has not been entered into the record as assignee has failed to provide a copy of G. Le Pennec's Limited Recognition Form from the Office of Enrollment and Discipline recognizing G. Le Pennec as eligible for limited recognition before the Office.

All future correspondence related to the instant application for patent will be addressed to the below-listed correspondence address unless the Office receives proper notification otherwise.

Further correspondence with regard to the petition under 37 CFR 1.47(a) should be addressed as follows:

By mail: Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

By fax: (703) 308-6916
 Attn.: Office of Petitions

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By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310.



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